

### **REMARKS/ARGUMENTS**

Claims 1,5,7,9,12-16,19,21 and 24 are currently pending in the application. By virtue of this amendment, claims 1,5,14, and 16 have been amended and claims 13 and 15 have been cancelled without prejudice.

Initially, Applicant acknowledges with appreciation the indication that claims 7,15, 21 and 24 are allowed. As it relates to the subject matter of allowable dependent claim 15, Applicant notes that it has incorporated the allowable subject matter of claim 15 and the subject matter of claim 13 (the intermediate dependent claim) into independent claim 9 which is thus now in allowable form. Claims 13 and 15 have thus been appropriately cancelled.

Claim 1 currently stands rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 4,892,238 to Pinczykowski. Claims 1,5,9,13,14 and 16 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,890,640 to Thompson. Claims 12 and 19 stand rejected under 35 USC Section 102(b) as being anticipated by Thompson or, in the alternative, under 35 USC 103(a) as being obvious over Thompson in view of BE 1005935 A6 to Nagasawa.

Each of these rejections is traversed and should be withdrawn for the reasons described in more detail below.

Initially, Applicant has amended independent claim 1 to recite a pack adapted to be carried in an over-the-back relationship. Claim 1, as amended, also recites that the pack defines front and bottom panels. Claim 1 has further been amended to recite that the pack includes a single (i.e., one) member which is defined by a continuous strip of flexible material which has been bent and shaped to define a base extending along the bottom panel of the pack in a generally

horizontal relationship and in a relationship generally parallel to the bottom panel. Claim 1 has further been amended to recite that the member defines a pair of arms adapted to extend outwardly from the outer surface of the pack in a relationship and direction generally normal to the front panel. Still further, claim 1 has been amended to recite that the arms of the member clip are adapted to be manipulated by the individual carrying the pack.

These amendments do not introduce any new matter and are supported in for example FIGS. 1-3 and paragraphs 30 and 34 of the subject application which show and describe a pack 102 defined in part by a front panel 104 and a bottom panel 112. The support member 100 (as shown in FIG. 2 in its straight configuration and in FIGS. 1 and 3 in its bent U-shaped configuration) defines a central body or base 124 and a pair of spaced apart arms 126 and 128. Support member 100 and, more specifically, the base 124 thereof, as also shown in FIG. 1, extends along the bottom panel 112 of the pack 102 in a generally horizontal and parallel relationship relative to the bottom panel. The arms 126 and 128 extend outwardly from opposed ends of the base through openings defined in, and in a generally normal relationship to, the front panel of the pack.

This configuration and placement of the support member 100 along the bottom panel of the pack of course positions the arms of the support member in a relationship wherein they are adapted to engage against the waist and/or hips of the user of the pack when the pack is being carried by the user in its over-the-back relationship.

Claim 1, as presently amended, is not anticipated nor rendered obvious by any of the references of record. Specifically, independent claim 1, as amended, is not anticipated nor rendered obvious by Pinczykowski because the garment disclosed in Pinczykowski, while an

article adapted to be hung on the hanger disclosed therein, is not a pack intended to be carried in an over-the-back relationship with at least a bottom panel which allows books and the like to be stored and carried therein. This distinction alone of course now differentiates and distinguishes the hanger/garment combination of Pinczykowski from the pack/support member combination as now recited in amended claim 1.

Moreover, and even if a garment could somehow be regarded to be a pack as now recited in amended claim 1, the hanger could not be said to extend in a generally horizontal relationship relative to the bottom panel of the garment inasmuch as the garment includes an open bottom and the hanger is adapted to suspend the garment about the top open panel and open sleeve arms of the garment.

Still further, the arms of the hanger disclosed in Pinczykowski are adapted only to engage and extend through the sleeves of the garment so as to allow the hanger to hold and suspend the garment. The arms of the hanger are not in any way adapted to engage the waist and/or hips of the user of the garment. Only the waist of the garment is adapted to engage the waist of the individual wearing the garment.

Independent claim 1 as now amended is likewise not anticipated or rendered obvious by Thompson which discloses a back pack with a pair of spaced-apart, parallel rods 26 and 28 adapted to extend in a generally vertical relationship along the length of the front panel of the pack. In accordance with the teachings in Thompson, the flexible frame provided by the rods allows the frame of the pack to bend and flex with the user's back as the user bends and twists his or her body while the pack is carried.

Independent claim 1 as amended however now recites that the pack incorporates a

single support member which is defined by a continuous, flexible strip of material which has been bent and shaped to define a central base which extends in a generally horizontal relationship along the bottom panel of the pack in a relationship parallel to the bottom panel of the pack and a pair of arms adapted to extend outwardly from the outer surface of the front panel of the pack in a relationship and direction generally normal to the direction of the front panel and the base of the support member.

Thompson, on the other hand, discloses two rods/support members which each define a pair of arms instead of a single support member as in the present invention defining a pair of arms. Moreover, no portions of the rods define a central base extending in a generally horizontal relationship along the bottom panel of the pack in a relationship generally transverse (not parallel) to the bottom panel. Rather, each of the two rods disclosed in Thompson extend along the length of the front panel of the pack in a generally vertical relationship generally parallel to the front panel as opposed to the present invention where the base of the support member extends generally horizontally along the bottom panel in a relationship generally parallel to the bottom panel. Still further, no portions of the rods extend in a relationship generally normal to the front panel of the pack as with the arms of the support member of the present invention.

Moreover, neither of the rods of the pack disclosed in Thompson, in contrast to the arms of the support member recited in claim 1, is adapted to be manipulated by the individual carrying the pack.

For the reasons noted above, Claim 1 as amended is not anticipated or rendered obvious by either Pinczykowski or Thompson.

Dependent claims 2-4 were previously cancelled without prejudice.

Dependent claim 5 has been amended to recite that the strap is adapted to engage against the back of the individual adapted to carry the pack and is adapted to move the arms of the support member towards each other when the pack is mounted over the back of the individual and the strap engages the back of the individual.

This amendment does not introduce any new matter and is supported in, for example, paragraph 42 of the specification and FIGURES 1 and 3 which show strap 117 extending between the two arms of the support member.

The straps of the pack disclosed in Thompson do not disclose or suggest the strap of the present invention inasmuch as the straps 52 of Thompson are associated with the pack so as to be adapted to rest against the front of the stomach of the user, not the back of the user as in the present invention. Moreover, the straps 52 are not adapted to move the arms towards each other in response to the strap engaging the back of the user as also recited in dependent claim 5.

Thus, dependent claim 5 is in allowable form as presently amended.

Dependent claim 6 was previously cancelled without prejudice.

Independent claim 7 has been allowed.

Dependent claim 8 was previously cancelled without prejudice.

Independent claim 9, as described above, has been amended to incorporate the subject matter of allowable dependent claim 15 and further the subject matter of intervening dependent claim 13. Independent claim 9 is thus now in allowable form.

Dependent claims 10, 11, 13, and 15 have been cancelled without prejudice.

Dependent claim 12, which is similar to dependent claim 5, recites that a strap interconnects and extends between the arms and is adapted to engage against the back of the

wearer and bring the arms together.

Dependent claim 12 is allowable for the same reasons as discussed above with respect to dependent claim 5. Specifically, Thompson fails to disclose or suggest straps adapted to engage the back. Rather, Thompson discloses only straps adapted to engage against the front of the stomach of the wearer of the pack.

Independent claim 16 has been amended to recite that the pack has respective bottom, side and front panels and that the support member is generally U-shaped and extends along the bottom panel of the pack. As such, claim 16 now recites the subject matter of original dependent claim 15 which the Examiner has already allowed. Independent claim 16 is thus now also in allowable form.

As described above, Thompson discloses only rods (which are not U-shaped as with the support member of the present invention) and extend in a generally vertical relationship along the front panel of the pack (rather than along the bottom panel of the pack as in the present invention) for the intended purpose of providing stiffness to the pack.

The present invention, on the other hand, specifically discloses the use of a generally U-shaped support member extending along the bottom panel of the pack which includes arms adapted to engage the waist and hips of the user of the pack for redistributing the weight of the pack and its contents from the shoulders and back to the waist and hips of the user. The distinct purposes served by the rods of Thompson and the U-shaped support member of the present invention further evidence the absence of any obviousness over Thompson.

Dependent claims 17 and 18 were previously cancelled without prejudice.

Dependent claim 19 is similar to dependent claims 5 and 12 and also recites that the

pack has a strap which interconnects the arms and is adapted to abut against the back of the individual and bring the arms together. As described earlier with respect to claims 5 and 12, the straps disclosed in Thompson engage the stomach not the back of the individual carrying the pack.

Dependent claim 20 was previously cancelled without prejudice.

Independent claims 21 and 24 have been allowed.

Applicant thus contends that the application is now in condition for allowance in view of the amendments and remarks above. Thus, the allowance of pending claims 1, 5,7,9,12,14,16,19,21, and 24 and the passing of this application to issue are now respectfully requested.

Respectfully submitted,

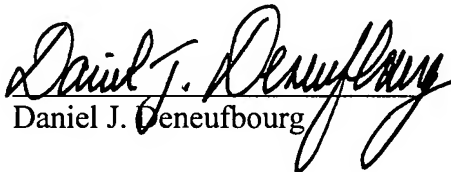
Date: August 3, 2007

By   
Daniel J. Deneufbourg (Reg. No. 33,675)  
37 Tuttle Avenue  
Clarendon Hills, Illinois 60514  
Phone: (630) 789-0919

Customer No. 000049055

CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE UNDER RULE 111 is being deposited with the United States Postal Service via Express Mail service (Express Mail Label No. EB 191289667 US) in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3<sup>rd</sup> day of August, 2007.

  
Daniel J. Deneufbourg